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1.4(B), 1.4(D)

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	TEDE-00	INR-00	IO-16	ADS-00	M-00	NEA-01	NSAE-00
	OIC-02	OIG-04	OMB-01	PA-01	PM-00	PRS-01	P-01
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FM USMISSION USUN NEW YORK  
TO AMEMBASSY KIGALI IMMEDIATE  
SECSTATE WASHDC IMMEDIATE 0621  
INFO AMEMBASSY THE HAGUE IMMEDIATE  
JOINT STAFF WASHDC  
SECDEF WASHDC  
USCINCEUR VAHINGEN GE  
WHITEHOUSE WASHDC  
UN SECURITY COUNCIL COLLECTIVE  
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C O N F I D E N T I A L SECTION 01 OF 05 USUN NEW YORK 004861

UNITED STATES DEPARTMENT OF STATE  
REVIEW AUTHORITY: JOHN S BLODGETT  
CLASSIFICATION: CONFIDENTIAL REASON: 1.4(B), 1.4(D)  
DECLASSIFY AFTER: 8 NOV 2019  
DATE/CASE ID: 28 NOV 2006 200103014

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HAGUE PLEASE PASS DAVID SCHEFFER  
DEPT FOR G - AJOYCE; L - MMATHESON; AF - A/S MOOSE  
WHITEHOUSE PASS TO NSC FOR RICE AND STEINBERG;  
JOINT STAFF FOR CHAIRMAN, DIR JS, J3;  
SECDEF FOR OSD/ISA

E.O.12356: DECL:OADR  
TAGS: PHUM, PREL, PREF, AORC, RW, UN  
SUBJECT: RWANDA TRIBUNAL ESTABLISHED BY SC 11/8

1. (U) SUMMARY: THE SECURITY COUNCIL ADOPTED  
RESOLUTION 955 ESTABLISHING AN INTERNATIONAL TRIBUNAL  
FOR RWANDA BY A VOTE OF 13-1 (RWANDA)-1 (CHINA) ON  
NOVEMBER 8- IN AN EXPLANATION OF VOTE, RWANDA REMINDED  
THAT PRESIDENT BIZIMUNGU HAD ASKED FOR A TRIBUNAL,  
ENUMERATED RWANDAN PROBLEMS WITH THE RESOLUTION, AND DID  
NOT/NOT STATE WHETHER OR NOT THEY WOULD COOPERATE WITH  
THE TRIBUNAL. CHINA AND BRAZIL VOICED RESERVATIONS, AND  
THE OTHER COUNCIL MEMBERS SPOKE OF THE NEED FOR JUSTICE  
AND GOR COOPERATION. TEXT OF RESOLUTION AND USG  
STATEMENT BELOW. END SUMMARY.

3. (C) THE CO-SPONSORS OF THE TRIBUNAL RESOLUTION  
CONSULTED ACTIVELY AMONG THEMSELVES AND WITH THE  
NON-ALIGNED CAUCUS, IN ORDER TO ADDRESS SOME OF THE  
SECONDARY CONCERNS WHICH THE RWANDANS HAD RELAYED TO THE  
NON-ALIGNED. ALTHOUGH NOTHING SHORT OF ALLOWING THE  
DEATH PENALTY COULD GAIN AN AFFIRMATIVE VOTE FROM  
RWANDA, THEY WERE WILLING TO MAKE OTHER CHANGES TO  
SOLIDIFY NON-ALIGNED SUPPORT FOR THE RESOLUTION. THE  
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NON-ALIGNED HAD NO SERIOUS OPPOSITION TO THE RESOLUTION,  
BUT WERE ACTING TO MOLLIFY THE RWANDANS. MINOR CHANGES  
WERE MADE IN PARAGRAPHS REFERRING TO THE NUMBER OF  
JUDGES, PARDON FOR CONVICTED CRIMINALS, AND THE LOCALE  
FOR THE TRIBUNAL'S WORK. FRANCE REFUSED TO ALLOW THE  
STARTING DATE FOR THE TRIBUNAL'S JURISDICTION TO BE  
MOVED BACK.

4. (C) RWANDAN PERMREP MANZI MADE CLEAR IN COUNCIL  
INFORMALS 11/7 THAT HE WOULD VOTE AGAINST THE

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RESOLUTION, PRIMARILY DUE TO THE ABSENCE OF A DEATH PENALTY IN THE TRIBUNAL. DURING A MEETING OF THE CO-SPONSORS, AMB. ALBRIGHT BROACHED THE IDEA OF A BILATERAL APPROACH TO THE RWANDANS ON THE DEATH PENALTY ISSUE.

1.4(B), 1.4(D)

INSTEAD, AMB.

ALBRIGHT INCORPORATED THE U.S. UNDERSTANDING OF THE DEATH PENALTY ISSUE IN HER EXPLANATION OF VOTE.

5. (U) STATEMENTS WERE MADE BY RUSSIA, FRANCE, NEW ZEALAND, UK, CZECH, ARGENTINA, BRAZIL, PAKISTAN, CHINA, SPAIN, NIGERIA, RWANDA, OMAN AND THE U.S. RWANDAN PERMREP MANZI THANKED THE CO-SPONSORS FOR THEIR PATIENCE AND WORK. HE RAN THROUGH A BRIEF HISTORY OF MASSACRES FROM 1959 TO PRESENT, STRESSING THE SILENCE AND INACTION OF THE INTERNATIONAL COMMUNITY, AND THE CREATION OF A CULTURE OF IMPUNITY. HE REMINDED THAT PRESIDENT BIZIMUNGU HAD SPOKEN TO THE UNGA OF THE URGENT NEED TO ESTABLISH AN INTERNATIONAL TRIBUNAL WHICH WOULD AVOID

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THE APPEARANCE OF VENGEANCE, HAVE ACCESS TO CRIMINALS OUTSIDE THE TERRITORY OF RWANDA AND HELP REBUILD RWANDAN SOCIETY. HE STATED THAT THE STATUTE AND TRIBUNAL AS DRAFTED WOULD NOT BRING THOSE RESPONSIBLE FOR GENOCIDE TO JUSTICE. HE REITERATED THE GOR'S DIFFICULTIES ON THE ISSUES RELATING TO: (1) STARTING DATE, (2) NUMBER OF JUDGES, (3) INCLUSION OF LESSER CRIMES THAN GENOCIDE, (4) JUDGES POSSIBLY COMING FROM COUNTRIES IMPLICATED IN TRAINING CRIMINALS FOR THE MASSACRES, (5) PAROLE AND IMPRISONMENT OUTSIDE RWANDA, (6) CAPITAL PUNISHMENT, AND (7) SEAT OF THE TRIBUNAL. HE SAID THE DESIRED RWANDAN CHANGES WOULD NOT IMPAIR THE INTERNATIONAL NATURE OF THE TRIBUNAL. MANZI DID NOT/NOT ADDRESS THE QUESTION OF WHETHER OR NOT THE GOR WOULD COOPERATE WITH THE TRIBUNAL IN CARRYING OUT ITS WORK. USDEL HAD STRESSED TO MANZI THAT WE EXPECTED HIS EOV TO EXPLICITLY SAY RWANDA WOULD COOPERATE WITH THE TRIBUNAL, IN LIGHT OF SIMILAR STATEMENTS BY GEN KAGAME IN THE NEW YORK TIMES. MANZI, LOOKING SURPRISED, SAID HE WOULD HAVE TO CHECK WITH

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KAGAME BEFORE MAKING SUCH A STATEMENT, SINCE HE HAD NOT  
BEEN INSTRUCTED TO DO SO.

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TO AMEMBASSY KIGALI IMMEDIATE  
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C O N F I D E N T I A L SECTION 02 OF 05 USUN NEW YORK 004861

HAGUE PLEASE PASS DAVID SCHEFFER  
DEPT FOR G - AJOYCE; L - MMATHESON; AF - A/S MOOSE  
WHITEHOUSE PASS TO NSC FOR RICE AND STEINBERG;  
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SUBJECT: RWANDA TRIBUNAL ESTABLISHED BY SC 11/8

6. (U) CHINA EXPLAINED THAT ITS ABSTENTION WAS BASED ON THE LACK OF RWANDAN SUPPORT FOR THE TRIBUNAL. CHINA REITERATED ITS OPPOSITION TO INVOKING CHAPTER 7 WHEN ESTABLISHING A TRIBUNAL, AS IT HAD UPON ESTABLISHMENT OF THE YUGOSLAV TRIBUNAL. BRAZIL VOICED MANY LEGAL RESERVATIONS ABOUT THE PROCEDURE FOR ESTABLISHING THE TRIBUNAL, BUT VOTED YES AS A POLITICAL CONDEMNATION OF THE RWANDAN ATROCITIES. BRAZIL ASSERTED THAT THE SECURITY COUNCIL WENT BEYOND ITS CONSTITUTIONAL COMPETENCE IN ESTABLISHING A COURT, AND IN INVOKING CHAPTER 7 TO DO SO. IT WOULD HAVE PREFERRED A THOROUGH REVIEW IN THE GENERAL ASSEMBLY'S SIXTH COMMITTEE, WHICH DEALS WITH LEGAL MATTERS.

7. (U) SEVERAL OTHER SPEAKERS VOICED SUPPORT FOR THE IDEA OF AN INTERNATIONAL CRIMINAL COURT WITH BROADER JURISDICTION. ALL CALLED ON THE GOR TO COOPERATE WITH THE TRIBUNAL.

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8. (U) BEGIN TEXT OF USG STATEMENT:  
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-GENOCIDE OCCURRED IN RWANDA LAST SPRING. OTHER GRAVE VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW ALSO HAVE RAVAGED THAT STATE. THIS COUNCIL HAS BEEN SEIZED WITH THESE HORRIFIC EVENTS THROUGH MUCH OF THIS YEAR. THE COUNCIL ITSELF HAS NOT BEEN IMMUNE FROM CRITICISM. BUT TODAY MARKS THE CULMINATION OF MONTHS OF VERY HARD AND PERSISTENT WORK BY OUR RESPECTIVE GOVERNMENTS, THE SECRETARIAT, THE COMMISSION OF EXPERTS, AND THIS COUNCIL TO CREATE A NEW AD HOC TRIBUNAL FOR THE INVESTIGATION AND PROSECUTION OF GENOCIDE, CRIMES AGAINST HUMANITY, AND WAR CRIMES IN RWANDA AND BY RWANDAN CITIZENS IN STATES NEIGHBORING RWANDA.

-WE REGRET THAT THE GOVERNMENT OF RWANDA CAST ITS VOTE AGAINST THE RESOLUTION. AS OTHER MEMBERS OF THE COUNCIL HAVE STATED, THE CO-SPONSORS WORKED HARD TO ACCOMMODATE A NUMBER OF RWANDAN CONCERNS, BUT WE WERE NOT ABLE TO ACCOMMODATE ALL OF THEM. WHILE WE UNDERSTAND THEIR CONCERNS REGARDING SEVERAL KEY ISSUES -- INDEED ON THE DEATH PENALTY WE MIGHT EVEN AGREE -- IT WAS SIMPLY NOT POSSIBLE TO MEET THOSE CONCERNS AND STILL MAINTAIN BROAD SUPPORT IN THE COUNCIL. THEREFORE, NY GOVERNMENT BELIEVES THAT THE RIGHT CHOICE IS TO ESTABLISH THE TRIBUNAL THIS TRAGEDY DEMANDS RATHER THAN WAIT TO ACHIEVE AN AGREEMENT THAT WOULD NEVER COME.

-NONETHELESS, WE URGE THE GOVERNMENT OF RWANDA TO HONOR ITS OBLIGATION TO COOPERATE FULLY WITH THE INTERNATIONAL TRIBUNAL AND THE INVESTIGATION IT MUST UNDERTAKE IN ORDER TO PROSECUTE THOSE GUILTY OF THE UNSPEAKABLE ACTS

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OF GENOCIDE AND OTHER ATROCITIES. WE APPRECIATE THE  
EFFORTS OF THE UNITED NATIONS LEGAL COUNSEL, HANS  
CORELL, TO CONSULT WITH THE GOVERNMENT OF RWANDA IN  
KIGALI ABOUT THIS RESOLUTION AND THE STATUTE FOR THE  
TRIBUNAL. OVER THE LAST FEW MONTHS, THIS COUNCIL HAS  
ACTED WITH DETERMINATION TO ESTABLISH THE TRIBUNAL AT  
THE EARLIEST POSSIBLE DATE.

-THE PROSECUTOR WILL NEED TO WORK VERY CLOSELY WITH THE  
GOVERNMENT OF RWANDA TO ESTABLISH A PRESENCE IN THAT  
COUNTRY AND TO OPERATE FREELY IN HIS INVESTIGATIONS AND  
PROSECUTIONS. MY GOVERNMENT FULLY SUPPORTS THE  
ESTABLISHMENT OF A TRIBUNAL OFFICE IN KIGALI AND FOR A  
GREAT DEAL OF THE TRIBUNAL'S WORK NECESSARILY TO PROCEED  
IN RWANDA. WE ALSO LOOK FORWARD TO FURTHER  
CONSULTATIONS ON THE OFFICIAL SEAT OF THE TRIBUNAL. IT  
IS IMPERATIVE THAT THE TRIBUNAL OPERATE EFFICIENTLY,  
SECURELY, AND IN A MANNER CONSISTENT WITH THE OVERALL  
DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW. WE WILL  
LOOK FORWARD TO THE VIEWS OF THE SECRETARY GENERAL AND  
THE PROSECUTOR IN OUR EVALUATION.

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C O N F I D E N T I A L SECTION 03 OF 05 USUN NEW YORK 004861

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E.O.12356: DECL:OADR  
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SUBJECT: RWANDA TRIBUNAL ESTABLISHED BY SC 11/8

-AS CHIEF PROSECUTOR, JUSTICE GOLDSTONE WILL BRING TO THIS ENDEAVOR THE SAME INTEGRITY AND SKILL THAT HE ALREADY HAS INFUSED INTO THE INTERNATIONAL TRIBUNAL FOR THE FORMER YUGOSLAVIA. WE LOOK FORWARD TO ASSISTING JUSTICE GOLDSTONE IN WHATEVER WAY WE CAN TO FACILITATE HIS WORK ON RWANDA. WE ALSO LOOK FORWARD TO THE SELECTION OF A DEPUTY PROSECUTOR FOR RWANDA WHO WILL HAVE MAJOR RESPONSIBILITY FOR INVESTIGATIONS AND PROSECUTIONS.

-THE ESTABLISHMENT OF THE INTERNATIONAL TRIBUNAL FOR RWANDA IS ONLY THE BEGINNING. ONE MAJOR CHALLENGE AHEAD OF US IS ADEQUATE FUNDING FOR THE TRIBUNAL. WE URGE ALL MEMBER STATES TO MAKE VOLUNTARY CONTRIBUTIONS. MORE IMPORTANTLY, THE UNITED NATIONS MUST PROVIDE SUFFICIENT FUNDS FOR THESE EARLY, CRITICAL MONTHS OF THE TRIBUNAL'S WORK. WE STRESS, HOWEVER, THAT WITH THE GROWING BUDGETARY NEEDS OF THE INTERNATIONAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, OUR CHALLENGE WILL BE TO FINANCE BOTH AD HOC TRIBUNALS WITH ENOUGH RESOURCES TO GET THE JOB  
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DONE.

-THE JUDICIAL SYSTEM IN RWANDA ALSO WILL REQUIRE MUCH REBUILDING IN ORDER TO TAKE ON THE ENORMOUS TASK OF DAILY LAW ENFORCEMENT, AS WELL AS THE PROSECUTION OF MANY OF THE SUSPECTS WHOM THE TRIBUNAL WILL NOT BE ABLE TO HANDLE. MY GOVERNMENT IS PREPARED TO ASSIST RWANDA IN THIS IMPORTANT TASK, AND WE ENCOURAGE OTHER GOVERNMENTS TO PROVIDE ASSISTANCE.

-THE INVESTIGATION OF GENOCIDE IS INDEED VERY GRIM WORK. BUT WE HAVE A RESPONSIBILITY TO SEE THAT THE INTERNATIONAL TRIBUNAL FOR RWANDA CAN ACCOMPLISH ITS OBJECTIVE--ONE THAT THIS COUNCIL INCREASINGLY RECOGNIZES: TO HOLD INDIVIDUALS ACCOUNTABLE FOR THEIR VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW. AS EVIDENT IN THE FORMER YUGOSLAVIA, IN RWANDA THERE IS AN EQUAL NEED TO FORGE HARMONY AMONG ETHNIC GROUPS BY

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BRINGING TO JUSTICE THE INDIVIDUALS WHO COMMITTED SUCH  
HEINOUS CRIMES, REGARDLESS OF THEIR POSITION IN SOCIETY.

-IN CLOSING, LET ME EXPRESS MY GOVERNMENT'S HOPE THAT  
THE STEP WE HAVE TAKEN HERE TODAY CAN PROMOTE BOTH  
JUSTICE AND NATIONAL RECONCILIATION, LEST THE RWANDAN  
PEOPLE BE UNABLE TO ESCAPE THE MEMORY OF MADNESS AND  
BARBARISM THEY HAVE JUST LIVED THROUGH.

END TEXT OF EOY.

9. BEGIN TEXT OF RESOLUTION:

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PAGE 04 USUN N 04861 03 OF 05 090432Z  
ARGENTINA, FRANCE, NEW ZEALAND, RUSSIAN FEDERATION,  
SPAIN, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN  
IRELAND AND UNITED STATES OF AMERICA: DRAFT RESOLUTION

THE SECURITY COUNCIL,

REAFFIRMING ALL ITS PREVIOUS RESOLUTIONS ON THE  
SITUATION IN RWANDA,

HAVING CONSIDERED THE REPORTS OF THE SECRETARY-GENERAL  
PURSUANT TO PARAGRAPH 3 OF RESOLUTION 935 (1994 OF 1  
JULY 1994 (S/1994/879 AND S/1994/906), AND HAVING TAKEN  
NOTE OF THE REPORTS OF THE SPECIAL RAPPORTEUR FOR RWANDA  
OF THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS  
(S/1994/1157, ANNEX I AND ANNEX II),

EXPRESSING APPRECIATION FOR THE WORK OF THE COMMISSION  
OF EXPERTS ESTABLISHED PURSUANT TO RESOLUTION 935  
(1994), IN PARTICULAR ITS PRELIMINARY REPORT ON  
VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW IN RWANDA  
TRANSMITTED BY THE SECRETARY-GENERAL'S LETTER OF 1  
OCTOBER 1994 (S/1994/1125),

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TO AMEMBASSY KIGALI IMMEDIATE  
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SUBJECT: RWANDA TRIBUNAL ESTABLISHED BY SC 11/8

EXPRESSING ONCE AGAIN ITS GRAVE CONCERN AT THE REPORTS  
INDICATING THAT GENOCIDE AND OTHER SYSTEMATIC,  
WIDESPREAD AND FLAGRANT VIOLATIONS OF INTERNATIONAL  
HUMANITARIAN LAW HAVE BEEN COMMITTED IN RWANDA,

DETERMINING THAT THIS SITUATION CONTINUES TO CONSTITUTE  
A THREAT TO INTERNATIONAL PEACE AND SECURITY,

DETERMINED TO PUT AN END TO SUCH CRIMES AND TO TAKE  
EFFECTIVE MEASURES TO BRING TO JUSTICE THE PERSONS WHO  
ARE RESPONSIBLE FOR THEM,

CONVINCED THAT IN THE PARTICULAR CIRCUMSTANCES OF  
RWANDA, THE PROSECUTION OF PERSONS RESPONSIBLE FOR  
SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW  
WOULD ENABLE THIS AIM TO BE ACHIEVED AND WOULD  
CONTRIBUTE TO THE PROCESS OF NATIONAL RECONCILIATION AND  
TO THE RESTORATION AND MAINTENANCE OF PEACE,  
BELIEVING THAT THE ESTABLISHMENT OF AN INTERNATIONAL

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TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR  
GENOCIDE AND THE OTHER ABOVE-MENTIONED VIOLATIONS OF  
INTERNATIONAL HUMANITARIAN LAW WILL CONTRIBUTE TO  
ENSURING THAT SUCH VIOLATIONS ARE HALTED AND EFFECTIVELY  
REDRESSED,

STRESSING ALSO THE NEED FOR INTERNATIONAL COOPERATION TO  
STRENGTHEN THE COURTS AND JUDICIAL SYSTEM OF RWANDA,  
HAVING REGARD IN PARTICULAR TO THE NECESSITY FOR THOSE  
COURTS TO DEAL WITH LARGE NUMBERS OF SUSPECTS,

CONSIDERING THAT THE COMMISSION OF EXPERTS ESTABLISHED  
PURSUANT TO RESOLUTION 935 (1994) SHOULD CONTINUE ON AN  
URGENT BASIS THE COLLECTION OF INFORMATION RELATING TO  
EVIDENCE OF GRAVE VIOLATIONS OF INTERNATIONAL  
HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA  
AND SHOULD SUBMIT ITS FINAL REPORT TO THE  
SECRETARY-GENERAL BY 30 NOVEMBER 1994,

ACTING UNDER CHAPTER VII OF THE CHARTER OF THE UNITED  
NATIONS,

-- 1. DECIDES HEREBY, HAVING RECEIVED THE REQUEST OF THE  
GOVERNMENT OF RWANDA (S/1994/1115), TO ESTABLISH AN INTERNATIONAL  
TRIBUNAL FOR THE SOLE PURPOSE OF PROSECUTING PERSONS RESPONSIBLE  
FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL  
HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN  
CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS  
COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES, BETWEEN 1  
JANUARY 1994 AND 31 DECEMBER 1994 AND TO THIS END TO ADOPT THE  
STATUTE OF INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA ANNEXED

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HERETO;

-- 2. DECIDES THAT ALL STATES SHALL COOPERATE FULLY WITH THE  
INTERNATIONAL TRIBUNAL AND ITS ORGANS IN ACCORDANCE WITH THE  
PRESENT RESOLUTION AND THE STATUTE OF THE INTERNATIONAL TRIBUNAL  
AND THAT CONSEQUENTLY ALL STATES SHALL TAKE ANY MEASURES

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NECESSARY UNDER THEIR DOMESTIC LAW TO IMPLEMENT THE PROVISIONS OF THE PRESENT RESOLUTION AND THE STATUTE, INCLUDING THE OBLIGATION OF STATES TO COMPLY WITH REQUESTS FOR ASSISTANCE OR ORDERS ISSUED BY A TRIAL CHAMBER UNDER ARTICLE 28 OF THE STATUTE, AND REQUESTS STATES TO KEEP THE SECRETARY-GENERAL INFORMED OF SUCH MEASURES;

-- 3. CONSIDERS THAT THE GOVERNMENT OF RWANDA SHOULD BE NOTIFIED PRIOR TO THE TAKING OF DECISIONS UNDER ARTICLES 26 AND 27 OF THE STATUTE;

-- 4. URGES STATES AND INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS TO CONTRIBUTE FUNDS, EQUIPMENT AND SERVICES TO THE INTERNATIONAL TRIBUNAL, INCLUDING THE OFFER OF EXPERT PERSONNEL;

-- 5. REQUESTS THE SECRETARY-GENERAL TO IMPLEMENT THIS RESOLUTION URGENTLY AND IN PARTICULAR TO MAKE PRACTICAL

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ACTION L-01

INFO	LOG-00	AF-01	AID-01	AMAD-01	ARA-01	CIAE-00	SMEC-00
	OASY-00	ANHR-01	EAP-01	EB-01	EUR-01	OIGO-01	H-01
	TEDE-00	INR-00	IO-16	ADS-00	M-00	NEA-01	NSAE-00
	OIC-02	OIG-04	OMB-01	PA-01	PM-00	PRS-01	P-01
	SNP-00	SP-00	SR-00	STR-01	TRSE-00	T-00	USIE-00

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SA-01 PMB-00 PRM-10 PRME-01 DRL-09 G-00

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O 090425Z NOV 94  
FM USMISSION USUN NEW YORK  
TO AMEMBASSY KIGALI IMMEDIATE  
SECSTATE WASHDC IMMEDIATE 0625  
INFO AMEMBASSY THE HAGUE IMMEDIATE  
JOINT STAFF WASHDC  
SECDEF WASHDC  
USCINCEUR VAIHINGEN GE  
WHITEHOUSE WASHDC  
UN SECURITY COUNCIL COLLECTIVE  
AMEMBASSY NAIROBI  
AMEMBASSY ADDIS ABABA  
USMISSION GENEVA  
AMEMBASSY BRUSSELS  
AMEMBASSY DAR ES SALAAM  
AMEMBASSY KINSHASA  
AMEMBASSY BUJUMBURA  
AMEMBASSY KAMPALA

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C O N F I D E N T I A L SECTION 05 OF 05 USUN NEW YORK 004861

HAGUE PLEASE PASS DAVID SCHEFFER  
DEPT FOR G - AJOYCE; L - MMATHESON; AF - A/S MOOSE  
WHITEHOUSE PASS TO NSC FOR RICE AND STEINBERG;  
JOINT STAFF FOR CHAIRMAN, DIR JS, J3;  
SECDEF FOR OSD/ISA

E.O.12356: DECL:OADR  
TAGS: PHUM, PREL, PREF, AORC, RW, UN  
SUBJECT: RWANDA TRIBUNAL ESTABLISHED BY SC 11/8

ARRANGEMENTS FOR THE EFFECTIVE FUNCTIONING OF THE INTERNATIONAL  
TRIBUNAL, INCLUDING RECOMMENDATIONS TO THE COUNCIL AS TO POSSIBLE  
LOCATIONS FOR THE SEAT OF THE INTERNATIONAL TRIBUNAL AT THE  
EARLIEST TIME AND TO REPORT PERIODICALLY TO THE COUNCIL;

-- 6. DECIDES THAT THE SEAT OF THE INTERNATIONAL TRIBUNAL

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SHALL BE DETERMINED BY THE COUNCIL HAVING REGARD TO CONSIDERATIONS OF JUSTICE AND FAIRNESS AS WELL AS ADMINISTRATIVE EFFICIENCY, INCLUDING ACCESS TO WITNESSES, AND ECONOMY, AND SUBJECT TO THE CONCLUSION OF APPROPRIATE ARRANGEMENTS BETWEEN THE UNITED NATIONS AND THE STATE OF THE SEAT, ACCEPTABLE TO THE COUNCIL, HAVING REGARD TO THE FACT THAT THE INTERNATIONAL TRIBUNAL MAY MEET AWAY FROM ITS SEAT WHEN IT CONSIDERS IT NECESSARY FOR THE EFFICIENT EXERCISE OF ITS FUNCTIONS; AND DECIDES THAT AN OFFICE WILL BE ESTABLISHED AND PROCEEDINGS WILL BE CONDUCTED IN RWANDA, WHERE FEASIBLE AND APPROPRIATE, SUBJECT TO THE CONCLUSION OF SIMILAR APPROPRIATE ARRANGEMENTS;

-- 7. DECIDES TO CONSIDER INCREASING THE NUMBER OF JUDGES AND TRIAL CHAMBERS OF THE INTERNATIONAL TRIBUNAL IF IT BECOMES  
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NECESSARY;

-- 8. DECIDES TO REMAIN ACTIVELY SEIZED OF THE MATTER.

END TEXT-  
MINIMIZE CONSIDERED  
ALBRIGHT

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